

REMARKS

Applicant notes with appreciation the examiner's indication that claims 33 and 37 would be allowable if rewritten in independent form to include all limitations. Claims 33 and 47 have, accordingly, been rewritten into independent form, including all limitations of the claims from which those claims previously depended. Accordingly, applicant respectfully requests notification that claims 43 and 33 and 47 are now allowable.

Regarding the objection to claims 41, 48 and 55 as being duplicates of claims 40, 47 and 54, this was due to a typographical error; that error has been corrected and claims 41, 48 and 55 are no longer duplicates of claims 40, 47 and 54. Applicant regrets any inconvenience caused by this typographical error.

Applicant traverses the rejection of claims 35 through 41, and 49 through 65 under 35 USC 112, second paragraph and requests reconsideration of the claims and the rejection.

Applicant traverses the rejection of claims 1 through 15, 19, 20, 22, 25, 28 through 32, 35 through 39, 42 through 46, 49 through 53, 56, 57, 58, 61, 62, 63, 66, 68, 70 and 72 made under 35 USC 112, first paragraph and requests reconsideration thereof.

Applicant further traverses the rejection of claims 11 through 16, 19 through 22, 25 through 27, 29 through 32, 36 through 39, 43 through 46, 50 through 53, 57, 58, 62, 63, 66, 68, 70 and 72 made under 35 USC 112, first paragraph as containing subject matter not described in the specification in a

way as to enable ones skill in the art to make or to use the invention.

Reconsideration is requested.

Regarding the double patenting rejection of claims 15, 16, 19 through 22, 26 through 27, 59, 60, 64, 65, 67, 69, 71 and 73, applicant submits herewith a terminal disclaimer which is believed to obviate that double patenting rejection. Notification of the same is respectfully solicited.

Regarding the indefiniteness rejection, applicant respectfully submits that the term germinating has been used in a manner consistent with the accepted meaning of the term, the examiner's position on this notwithstanding. Reconsideration of the applicant's position in this regard is respectfully requested.

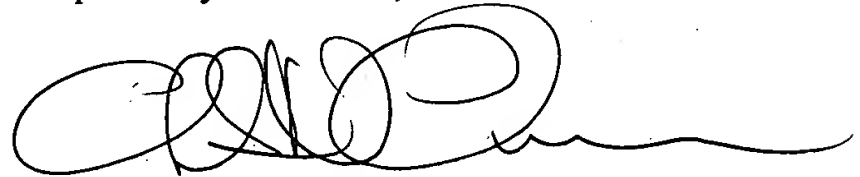
Regarding the requirement to provide an exemplary species for every aspect of the invention, applicant submits the application is enabling for isolating and purifying soy globulin mRNA and moreover, the invention is not limited to the embodiment disclosed in the application. Applicant has isolated total poly mRNA from the soy globulin in soy sprouts and has isolated and purified soy globulin as recited in the claims. Applicant has provided two exemplary corn varieties expressing soy globulin protein and such principles can be applied to many different variety of plants, including varieties of corn. Applicant respectfully submits that one of ordinary skill in the art can transform plants by using the teachings of the invention and innoculating a seed with mRNA as disclosed in the application. No significant amount of experimentation would be required by one of ordinary skill in the art to make or use to claim invention.

In light of the foregoing, applicant submits that all objections and rejections outstanding in the application have been addressed and upon reconsideration of the application in light of the foregoing in the terminal disclaimer herewith, the application will be deemed to be in form for allowance. Notification of the same is respectfully solicited.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to deposit account 50-1943.

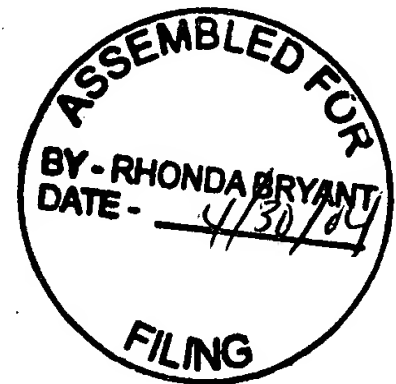
Respectfully submitted,

Date: 30 April 2004




CHARLES N. QUINN
Registration No. 27,223
Attorney for Applicant

Fox Rothschild LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19103
Tel: 215-299-2135
Fax: 215-299-2150
email: cquinn@foxrothschild.com



CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


(signature)

BY: RHONDA BRYANT

DATE: APRIL 30, 2004